

STD.24848

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**DAVID COLE,
Plaintiff,**

V.

**SP PLUS CORPORATION and SP+
TRANSPORTATION,
Defendants.**

§
§
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§
§
§
§
§

**CIVIL ACTION NO. _____
JURY**

DEFENDANT SP PLUS CORPORATION'S INDEX OF DOCUMENTS

The following Exhibits are relied upon and incorporated by reference in Defendant SP Plus Corporation (in its individual capacity and incorrectly named and sued as "SP+ Transportation")'s Notice of Removal:

1. State Court Docket Sheet;
2. Plaintiff's Original Petition, filed July 20, 2021;
3. Citation issued to SP Plus Corporation on July 22, 2021 and served on July 26, 2021;
4. Citation issued to SP+ Transportation on July 22, 2021 and served on July 26, 2021; and
5. Original Answer of SP Plus Corporation (in its individual capacity and incorrectly named and sued as "SP+ Transportation"), filed on August 16, 2021.

Respectfully submitted,

**FLETCHER, FARLEY
SHIPMAN & SALINAS, LLP**

/s/ Fernando P. Arias

FERNANDO P. ARIAS

ATTORNEY IN CHARGE

State Bar No. 24025946

MARK D. HARDY, JR.

State Bar No. 24087667

9201 N. Central Expressway, Suite 600

Dallas, Texas 75231

214-987-9600

214-987-9866 fax

fred.arias@fletcherfarley.com

dj.hardy@fletcherfarley.com

ATTORNEYS FOR DEFENDANT

SP PLUS CORPORATION (in its individual
capacity and incorrectly named and sued as
“**SP+ TRANSPORTATION**”)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was electronically filed via the Court’s CM/ECF system and a true and correct copy of same was delivered to all counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on this the 24th day of August, 2021.

/s/ Fernando P. Arias

FERNANDO P. ARIAS

EXHIBIT

“1”

Case Information

DC-21-09362 | DAVID COLE vs. SP PLUS CORPORATION, et al

Case Number

DC-21-09362

File Date

07/20/2021

Court

160th District Court

Case Type

OTHER PERSONAL INJURY

Judicial Officer

REDMOND, AIESHA

Case Status

OPEN

Party

PLAINTIFF

COLE, DAVID

Active Attorneys▼

Lead Attorney

SATTERWHITE, MICHAH L

Retained

DEFENDANT

SP PLUS CORPORATION

Address

REGISTERED AGENT CORPORATION SERVICE COMPANY

211 EAST 7TH STREET SUITE 620

AUSTIN TX 78701

Active Attorneys▼

Lead Attorney

ARIAS, FERNANDO P.

Retained

DEFENDANT

SP+ TRANSPORTATION

Address

REGISTERED AGENT CORPORATION SERVICE COMPANY

211 EAST 7TH STREET SUITE 620

AUSTIN TX 78701

Active Attorneys▼

Lead Attorney

ARIAS, FERNANDO P.

Retained

Events and Hearings

07/20/2021 NEW CASE FILED (OCA) - CIVIL

07/20/2021 ORIGINAL PETITION ▼

ORIGINAL PETITION

07/20/2021 ISSUE CITATION ▼

ISSUE CITATION - 1. SP PLUS CORPORATION (CERT MAIL)

ISSUE CITATION - 2. SP+ TRANSPORTATION (CERT MAIL)

07/22/2021 CITATION ▼

Served

07/26/2021

Anticipated Server

CERTIFIED MAIL

Anticipated Method

Actual Server

CERTIFIED MAIL

Returned

07/27/2021

Comment

SP PLUS CORPORATION - 9214 8901 0661 5400 0164 8580 24

07/22/2021 CITATION ▼

Served

07/26/2021

Anticipated Server

CERTIFIED MAIL

Anticipated Method

Actual Server

CERTIFIED MAIL

Returned

07/27/2021

Comment

SP+ TRANSPORTATION - 9214 8901 0661 5400 0164 8581 23

07/27/2021 RETURN OF SERVICE ▼

EXECUTED RETURN OF CITATION - SP PLUS CORPORATION

Comment

EXECUTED RETURN OF CITATION - SP PLUS CORPORATION

07/27/2021 RETURN OF SERVICE ▼

EXECUTED RETURN OF CITATION SP+ TRANSPORTATION

Comment

EXECUTED RETURN OF CITATION - SP+ TRANSPORTATION

08/16/2021 MOTION - TRANSFER - CHANGE OF VENUE ▼

MOTION TO TRANSFER

08/16/2021 NON-SIGNED PROPOSED ORDER/JUDGMENT ▼

NON-SIGNED PROPOSED ORDER

09/28/2021 DISMISSAL FOR WANT OF PROSECUTION ▼

160th Dismissal

Judicial Officer

REDMOND, AIESHA

Hearing Time

3:00 PM

Cancel Reason

BY COURT ADMINISTRATOR

Comment

CASE FILED 7-20-21; DEFS UNSERVED

10/05/2021 Scheduling Conference ▼

160th Scheduling Conference Notice

160th Scheduling Conference Notice

Judicial Officer

REDMOND, AIESHA

Hearing Time

3:00 PM

Financial

COLE, DAVID

Total Financial Assessment

\$468.00

Total Payments and Credits

\$468.00

7/21/2021 Transaction Assessment

\$468.00

7/21/2021 CREDIT CARD - TEXFILE (DC) Receipt # 46659-2021-DCLK COLE, DAVID (\$468.00)

SP PLUS CORPORATION

Total Financial Assessment

\$40.00

Total Payments and Credits

\$40.00

8/17/2021 Transaction Assessment

\$40.00

8/17/2021 CREDIT CARD - TEXFILE (DC) Receipt # 53650-2021-DCLK SP PLUS CORPORATION (\$40.00)

Documents

ORIGINAL PETITION

ISSUE CITATION - 1. SP PLUS CORPORATION (CERT MAIL)

ISSUE CITATION - 2. SP+ TRANSPORTATION (CERT MAIL)

EXECUTED RETURN OF CITATION SP+ TRANSPORTATION

EXECUTED RETURN OF CITATION - SP PLUS CORPORATION

160th Dismissal

NON-SIGNED PROPOSED ORDER

MOTION TO TRANSFER

160th Scheduling Conference Notice

160th Scheduling Conference Notice

EXHIBIT

“2”

CAUSE NO. DC-21-09362

DAVID COLE

v.

SP PLUS CORPORATION and
SP+ TRANSPORTATION§
§
§
§
§
§IN THE DISTRICT COURT
160th

____ JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

Plaintiff David Cole, files this, his Original Petition, complaining of and against Defendants SP Plus Corporation and SP+ Transportation. For cause of action, Plaintiff respectfully shows this Court the following:

A. DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery pursuant to a Level 3 discovery control plan.

TEX. R. CIV. P. 190.4.

B. PARTIES

2. Plaintiff David Cole is an individual who resides in Harrison County, Texas.

3. Defendant SP Plus Corporation is a foreign for-profit corporation doing business in the State of Texas. This Defendant may be served with process by serving its registered agent for service, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701, by certified mail, return receipt requested.

4. Defendant SP+ Transportation is a foreign for-profit corporation doing business in the State of Texas. This Defendant may be served with process by serving its registered agent for service, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701, by certified mail, return receipt requested.

C. JURISDICTION & VENUE

5. The Court has jurisdiction over Defendants because they are foreign for-profit entities doing business in the State of Texas. The Court has subject matter jurisdiction over the controversy because the events or conditions from which this lawsuit arises occurred in Texas and because Plaintiff seeks damages in excess of the minimal jurisdictional limits of this Court.

6. Venue is proper in Dallas County pursuant to Texas Civil Practice & Remedies Code § 15.002(a)(1) because all or a substantial portion of the events and/or omissions giving rise to the claim occurred in Dallas County, Texas.

D. AGENCY/RESPONDEAT SUPERIOR

7. Whenever it is alleged in this Petition that any Defendant did any act or thing, it is meant that the Defendant's agents, servants, employees, parent agents, ostensible agents, agents by estoppel and/or representatives did such act or thing, and at the time such act or thing was done it was done with the authorization of the Defendant or was done in the normal routine course of the agency or employment of the Defendant.

E. FACTS

8. This lawsuit results from an incident occurring on or about August 5, 2019 at the Dallas Fort Worth Airport in Dallas County, Texas. At that time, Plaintiff was seated in his wheelchair in the back of a terminal link bus owned, operated, and maintained by Defendants. Without warning, Defendants' driver made a sudden stop, thereby throwing Plaintiff out of his wheelchair and onto the bus's floor. Plaintiff sustained serious injuries from the fall including a fractured femur.

F. NEGLIGENCE OF DEFENDANTS

9. The occurrence made the basis of Plaintiff's lawsuit and his resulting injuries were

proximately caused by Defendants' negligent acts and/or omissions in failing to exercise such a high degree of foresight as to the possible dangers to Plaintiff while riding Defendants' bus and subsequently failing to exercise a high degree of prudence in guarding against the same as would've been used by a very cautious, prudent, and competent carrier under the same circumstances. Plaintiff reserves the right to plead more specifically as facts become more fully known in discovery.

G. DAMAGES

9. Plaintiff David Cole, as a direct and proximate result of Defendants' negligent conduct, sustained serious bodily injuries. Plaintiff believes that some of his injuries are permanent in nature and have had serious effects on his health and well-being. It has been necessary for Plaintiff to pay or incur reasonable and necessary medical expenses in the past and, in all reasonable medical probability, it is likely that he will incur reasonable and necessary medical expenses for the treatment of his injuries in the future. In connection with such injuries, Plaintiff suffered physical pain and mental anguish in the past, is suffering at the present, and in all reasonable probability will continue to suffer such physical pain and mental anguish in the future. Plaintiff sustained past physical impairment and, in all reasonable probability, will continue to suffer physical impairment in the future. Plaintiff sues for the recovery of past and future medical expenses, physical pain and mental anguish, and physical impairment; all in an amount in excess of the minimum jurisdictional limits of this Court. Plaintiff seeks a reasonable amount to be determined for his injuries. Specifically, pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff pleads that he seeks monetary relief over \$250,000.00, but no more than \$1,000,000.00.

H. DOCUMENTS TO BE USED

10. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiff intends to use during the

trial of the above-entitled and numbered cause, all documents exchanged and produced between the parties including, but not limited to, correspondence and discovery responses.

I. PRAYER FOR RELIEF

PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer and that, upon final trial of this cause, Plaintiff recovers as follows:

- a. Actual damages within the jurisdictional limits of this Court;
- b. Pre-judgment and post-judgment interest as allowed by law;
- c. Costs of Court; and
- d. All other relief to which Plaintiff may show himself justly entitled.

Respectfully submitted,
SLOAN, HATCHER, PERRY, RUNGE, ROBERTSON, SMITH & JONES



MICAH L. SATTERWHITE
State Bar No. 24102463
msatterwhite@sloanfirm.com
101 East Whaley Street
P.O. Drawer 2909
Longview, Texas 75606-2909
Telephone: (903) 757-7000
Facsimile: (903) 757-7574

ATTORNEY FOR PLAINTIFF

EXHIBIT

“3”

CERT MAIL

CITATION

DC-21-09362

DAVID COLE

vs.

SP PLUS CORPORATION, et al

ISSUED THIS

22nd day of July, 2021

FELICIA PITRE

Clerk District Courts,
Dallas County, Texas

By: ANGELA CONEJO, Deputy

Attorney for Plaintiff

MICHAEL L. SATTERWHITE

SLOAN HATCHER PERRY RUNGE ROBERTSON

SMITH & JONES

101 EAST WHALEY STREET

PO DRAWER 2909

LONGVIEW, TEXAS 75606

903-757-7000

msatterwhite@sloanfirm.com

DALLAS COUNTY

SERVICE FEES PAID

FILED

2021 JUL 27 AM 8:58

FELICIA PITRE
DISTRICT CLERK
DALLAS COUNTY, TEXAS
DEPUTY

FORM NO. 353-3 - CITATION
THE STATE OF TEXAS

To: SP PLUS CORPORATION
BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk and out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the 160th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **DAVID COLE**

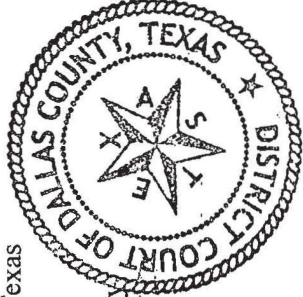
Filed in said Court 20th day of July, 2021 against

SP PLUS CORPORATION AND SP+ TRANSPORTATION

For Suit, said suit being numbered **DC-21-09362**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 22nd day of July, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas



[Signature]

By ANGELA CONEJO, Deputy

OFFICER'S RETURN

Case No. : DC-21-09362

Court No. 160th District Court

Style: DAVID COLE

vs.

SP PLUS CORPORATION, et al

Came to hand on the 22ND day of July, 2021, at 10⁰² o'clock A.M. Executed at 211 E. 7TH STREET
within the County of TRAVIS at 9:00 o'clock A.M. on the 26TH day of July AUSTIN, TEXAS 78701-3334
20 21, by delivering to the within named By U.S. Certified Mail Return Receipt
Received And Signed by Kevin Gonzales.

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation

For mileage

For Notary

of _____ County,

By

ANGELA CONEJO

[Signature]

FELICIA PITRE
DISTRICT CLERK

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20____

to certify which witness my hand and seal of office.

Notary Public _____

County _____



July 26, 2021

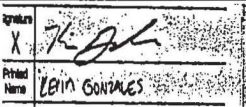

Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 0661 5400 0164 8580 24.

Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	July 26, 2021, 9:06 am
Location:	AUSTIN, TX 78701
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic
Recipient Name:	SP PLUS CORPORATION

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
 United States Postal Service®
 475 L'Enfant Plaza SW
 Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000164858024
 DC-21-09362 - DPRO/ACC
 SP PLUS CORPORATION
 BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE
 COMPANY
 D/B/A Csc-Lawyers Incorporating Service Company Su
 211 E 7th St
 Austin, TX 78701-3334

EXHIBIT

“4”

FORM NO. 353-3 - CITATION
THE STATE OF TEXAS

To: SP+ TRANSPORTATION
BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the 160th District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **DAVID COLE**

Filed in said Court **20th day of July, 2021** against

SP PLUS CORPORATION AND SP+ TRANSPORTATION

For Suit, said suit being numbered **DC-21-09362**, the nature of which demand is as follows:
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: **FELICIA PITRE**, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 22nd day of July, 2021.

ATTEST: **FELICIA PITRE**, Clerk of the District Courts of Dallas, County, Texas

By , Deputy
ANGELA CONEJO



FILED

2021 JUL 27 AM 8:58

FELICIA PITRE
DISTRICT CLERK
DALLAS CO., TEXAS
DEPUTY

CERT MAIL

CITATION

DC-21-09362

DAVID COLE

vs.

SP PLUS CORPORATION, et al

600 COMMERCE STREET
DALLAS, TEXAS 75202

ISSUED THIS

22nd day of July, 2021

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: ANGELA CONEJO, Deputy

Attorney for Plaintiff

MICHAEL L. SATTERWHITE

SLOAN HATCHER, PERRY RUNGE ROBERTSON

SMITH & JONES

101 EAST WHALEY STREET
PO DRAWER 2909

LONGVIEW, TEXAS 75606

903-757-7000

msatterwhite@sloanfirm.com

**DALLAS COUNTY
SERVICE FEES PAID**

OFFICER'S RETURN

Case No. : DC-21-09362

Court No. 160th District Court

Style: DAVID COLE

vs.

SP PLUS CORPORATION, et al

Came to hand on the 22ND day of July, 2021, at 10⁰² o'clock A. M. Executed at 211 E 7th Street, Ste. 200, Austin, Texas 78701-3334
 within the County of Travis at 9:06 o'clock A. M. on the 26TH day of July
21, by delivering to the within named By U.S. Certified Mail Return Receipt
Received and Signed By Kevin Gonzales.

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation

For mileage

For Notary

of

By

County,

ANGELA CONEJO

Deputy

FELICIA PITRE

(Must be verified if served outside the State of Texas.)

DISTRICT CLERK

600 COMMERCE STREET
DALLAS, TEXAS 75202-4606

before me this _____ day of _____, 20____

Signed and sworn to by the said

to certify which witness my hand and seal of office.

Notary Public

County



July 26, 2021

Dear MAIL MAIL:



The following is in response to your request for proof of delivery on your item with the tracking number:

9214 8901 0661 5400 0164 8581 23.

Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	July 26, 2021, 9:06 am
Location:	AUSTIN, TX 78701
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	SP TRANSPORTATION

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000164858123
DC-21-09362 - DPRO/ACC
SP+ TRANSPORTATION
BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE
COMPANY
D/B/A Csc-Lawyers Incorporating Service Company Su
211 E 7th St
Austin, TX 78701-3334

EXHIBIT

“5”

STD.24848

CAUSE NO. DC-21-09362

DAVID COLE, Plaintiff,	§	IN THE DISTRICT COURT
	§	
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
SP PLUS CORPORATION and SP+ TRANSPORTATION,	§	
Defendants.	§	160 th JUDICIAL DISTRICT

**DEFENDANT'S MOTION TO TRANSFER VENUE AND SUBJECT THERETO,
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant **SP PLUS CORPORATION** (in its individual capacity and incorrectly named and sued as "**SP+ TRANSPORTATION**") now comes and files its Motion to Transfer Venue and Subject Thereto, Original Answer to Plaintiff's Original Petition. In support of same, Defendant would respectfully show unto the Court as follows:

MOTION TO TRANSFER VENUE

I.

Defendant requests that this action be transferred to a District Court in Tarrant County, Texas pursuant to Section 15.002 (b) of the TEXAS CIVIL PRACTICE & REMEDIES CODE. Defendants would show that the incident made the basis of this lawsuit occurred in Tarrant County, Texas. Therefore, most, if not all, of the discovery will take place in said county.

Based on the foregoing, Defendant believes the maintenance of this action in Dallas County would work an injustice to the Movant, the balance of interests of all parties predominates in favor of the action being brought in Tarrant County, and the transfer of this action to Tarrant County would not work an injustice to any other party. Defendant would further show that the convenience of the parties and witnesses and the interest of justice require that this matter be transferred to the

District Court of Tarrant County, Texas. Accordingly, pursuant to Sections 15.002(b) of the TEXAS CIVIL PRACTICE & REMEDIES CODE, Tarrant County is a proper county for the venue of this cause of action.

**SUBJECT TO MOTION TO TRANSFER VENUE, DEFENDANT'S ORIGINAL
ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

**I.
GENERAL DENIAL**

Defendant denies each and every, all and singular, the material allegations contained in Plaintiff's Original Petition and demands strict proof thereof.

II.

In the event that Defendant is found to be liable to Plaintiff and in the event that Plaintiff's injuries are found to have been caused by the accident made the basis of this lawsuit, Defendant pleads that Plaintiff's recovery of medical and health care expenses is limited to the amount actually paid or incurred by or on behalf of Plaintiff. TEXAS CIVIL PRACTICE & REMEDIES CODE §41.015.

**IV.
JURY DEMAND**

In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant hereby demands a trial by jury. Simultaneously with the filing of this demand, a jury fee is being paid on behalf of Defendants.

WHEREFORE, PREMISES CONSIDERED, Defendant **SP PLUS CORPORATION** (in its individual capacity and incorrectly named and sued as "**SP+ TRANSPORTATION**") prays that Plaintiff takes nothing by this suit, that Defendant be awarded its costs, and for such other and further relief, both general and special, at law or in equity, to which Defendant may show itself to be justly entitled.

Respectfully submitted,

**FLETCHER, FARLEY
SHIPMAN & SALINAS, LLP**

/s/ Fernando P. Arias

FERNANDO P. ARIAS

State Bar No. 24025946

MARK D. HARDY, JR.

State Bar No. 24087667

9201 N. Central Expwy., Suite 600

Dallas, Texas 75231

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fred.arias@fletcherfarley.com

dj.hardy@fletcherfarley.com

**ATTORNEYS FOR DEFENDANT
SP PLUS CORPORATION** (in its individual
capacity and incorrectly named and sued as
“**SP+ TRANSPORTATION**”)

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied, hand delivered, or electronically transmitted to all attorneys of record in this cause of action, in compliance with Rule 21a. of the TEXAS RULES OF CIVIL PROCEDURE, on the 16th day of August, 2021.

/s/ Fernando P. Arias

FERNANDO P. ARIAS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Abby Golman on behalf of Fernando Arias
 Bar No. 24025946
 abby.golman@fletcherfarley.com
 Envelope ID: 56355132
 Status as of 8/17/2021 2:38 PM CST

Associated Case Party: DAVID COLE

Name	BarNumber	Email	TimestampSubmitted	Status
Micah Satterwhite		msatterwhite@sloanfirm.com	8/16/2021 4:30:14 PM	SENT
Ashlea Fogle		afogle@sloanfirm.com	8/16/2021 4:30:14 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Fernando P.Arias		fred.arias@fletcherfarley.com	8/16/2021 4:30:14 PM	SENT
Mark D.Hardy, Jr.		dj.hardy@fletcherfarley.com	8/16/2021 4:30:14 PM	SENT
Deborah Stick		deborah.stick@fletcherfarley.com	8/16/2021 4:30:14 PM	SENT
Abby Golman		abby.golman@fletcherfarley.com	8/16/2021 4:30:14 PM	SENT
Teresa Valcoviak		teresa.valcoviak@fletcherfarley.com	8/16/2021 4:30:14 PM	SENT